

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DENNIS OLEESKY,

Plaintiff,

vs.

VENTA FINANCIAL GROUP, INC.,

Defendant.

Case No. 2:10-cv-00445-HDM-PAL

ORDER

(Mtn to Withdraw - Dkt. #43)

This matter is before the court on the Motion for Leave of Court to Withdraw (Dkt. #43) filed April 20, 2011. Attorney Robert Spretnak seeks to withdraw as counsel of record for Plaintiff/Counterdefendant Dennis Oleesky. The Motion represents that Mr. Oleesky has failed to pay his outstanding balance of \$18,458.22 and reneged on an agreement to make monthly payments. Mr. Oleesky has made one payment in the last six months and was advised March 2, 2011 that Mr. Spretnak would move to withdraw if he did not receive a partial payment by March 31, 2011. The partial payment was not received.. Under these circumstances Mr Spretnak requests leave of court to withdraw as counsel for Mr. Oleesky as trial preparation would cause an unreasonable financial burden upon him.

Local Rule IA 10-6 provides that “no withdrawal . . . shall be approved if delay of discovery, the trial or any hearing in the case would result.” The Complaint (Dkt. #1) was filed on March 30, 2010. Discovery has closed, dispositive motions have been decided and trial in this matter is scheduled for August 9, 2011, at 9:00 a.m.

Having reviewed and considered the matter, and for good cause shown,

IT IS ORDERED:

1. The Motion to Withdraw (Dkt. #43) is **GRANTED**.

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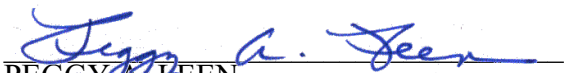
2. Plaintiff shall have until **May 16, 2011**, in which to retain new counsel who shall file a notice of appearance in accordance with the Local Rules of Practice, or to file a statement that he will be proceeding *pro se*.

3. Failure to comply with this order may result in a recommendation to the District Judge for sanctions, including case-dispositive sanctions.

4. The Clerk of Court shall serve a copy of this Order on Mr. Dennis Oleesky at:

Mr. Dennis Olseeksy
24637 Calla Ardilla
Calabasas, CA 91302

Dated this 26st day of April, 2011.


PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE